

## ARKANSAS COURT OF APPEALS

No. CA 10-1160

LAURA RAMSEY RUSHING  
APPELLANT

V.

NICHOLAS RAMSEY  
APPELLEE

Opinion Delivered September 21, 2011

APPEAL FROM THE SALINE  
COUNTY CIRCUIT COURT  
[NO. DR-06-1447-4]

HONORABLE ROBERT HERZFELD,  
JUDGE

JOINT MOTION TO DISMISS  
GRANTED; APPEAL DISMISSED

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### PER CURIAM

Appellant Laura Ramsey Rushing and her ex-husband, appellee Nicholas Ramsey, have filed a joint motion to dismiss the appeal from the Saline County Circuit Court's order transferring custody of the parties' two minor children to Nick upon finding a material change of circumstances.

Laura and Nick were married May 11, 2001, and had a daughter, E.R., born on August 2, 2003. Nick adopted Laura's son from a previous marriage, T.R., born on December 31, 1998. The parties separated on or about November 1, 2006, and were divorced on January 29, 2007. At that time, the parties agreed that Laura would have primary physical custody of the children.

On May 21, 2009, Nick filed an "Ex Parte Emergency Petition for Change of Custody," which was granted by the trial court on September 25, 2009, on the basis that



Laura was “spinning out of control” and that the children’s academic performance had suffered. Following a trial on June 18, 2010, the trial court granted Nick’s motion for change of custody.

In their joint motion to dismiss the appeal from the trial court’s order entered on July 28, 2010, and amended on August 16, 2010, the parties assert that they have reached an agreement to retain joint custody of the children, thereby rendering the custody issue on appeal moot. The parties indicate in their joint motion that the trial court entered their agreement pertaining to custody. We note, however, that the trial court was without jurisdiction to enter such order once the record was lodged with this court. *See Myers v. Yingling*, 369 Ark. 87, 251 S.W.3d 287 (2007). Actions taken by a court lacking jurisdiction are null and void. *Id.* Regardless, in light of the parties’ agreement, we grant the motion and dismiss the appeal.

Joint motion to dismiss appeal is granted.

Appeal dismissed.